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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204052
Party	Defendant Xilinx, Inc.
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**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85,135,048
Published in the Official Gazette on August 30, 2011
Mark: ZYNQ
International Class: 9

Opposition No. 91204052

ZINK Imaging Inc.

Opposer,

v.

Xilinx, Inc.

Applicant.

**APPLICANT'S ANSWER IN
RESPONSE TO OPPOSER'S NOTICE OF OPPOSITION**

Applicant Xilinx, Inc. ("Applicant"), by its undersigned counsel, for its Answer to Opposer ZINK Imaging Inc.'s ("Opposer") February 27, 2012 Notice of Opposition, states as follows:

ANSWER

As to the first unnumbered paragraph preceding Paragraph 1 of the Notice of Opposition, Applicant admits that it filed Application Serial No. 85/135,048 for the mark ZYNQ for "Integrated circuits, namely field programmable gate arrays; computer software for design, programming, and operation of programmable gate arrays" in Class 9, which was published on August 30, 2011. Applicant denies that Opposer has been or will be damaged by the registration of the ZYNQ trademark.

1. Applicant is without knowledge or information sufficient to form a belief as to the allegations in Paragraph 1 of the Notice of Opposition and therefore denies the same.

2. Applicant is without knowledge or information sufficient to form a belief as to the allegations in Paragraph 2 of the Notice of Opposition and therefore denies the same.

3. Applicant is without knowledge or information sufficient to form a belief as to the allegations in Paragraph 3 of the Notice of Opposition and therefore denies the same.

4. Applicant is without knowledge or information sufficient to form a belief as to the allegations in Paragraph 4 of the Notice of Opposition and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the allegations in Paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Applicant is without knowledge or information sufficient to form a belief as to the allegations in Paragraph 6 of the Notice of Opposition and therefore denies the same.

7. Applicant is without knowledge or information sufficient to form a belief as to the allegations in Paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Applicant denies the allegations in paragraph 8 of the Notice of Opposition.

9. In regard to the allegations in paragraph 9 of the Notice of Opposition, Applicant admits that one of Applicant's ZYNQ trademark applications published on August 30, 2011. Applicant admits that on September 28, 2011 ZINK Imaging filed a timely request for a 90-day extension of time to oppose one of Applicant's ZYNQ trademark applications. Applicant admits that on December 23, 2011, ZINK Imaging filed a timely request with Applicant's consent for a 60-day extension of time in which to oppose one of Applicant's ZYNQ trademark applications, which was granted by the Trademark Trial and Appeal Board in its December 23, 2011 Order. Other than as expressly so admitted, Applicant denies the allegations of paragraph 9.

10. Applicant denies the allegations in paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations in paragraph 11 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

First Affirmative Defense – No Likelihood of Confusion

Opposer is unable to meet its burden of proving likelihood of confusion between Applicant's ZYNQ trademark as used on Applicant's goods and Opposer's ZINK marks as used on its goods.

First, the USPTO Examining Attorney did not refuse to register Applicant's subject Application Serial No. 85/135,048 for the ZYNQ Mark for "Integrated circuits, namely field programmable gate arrays; computer software for design, programming, and operation of programmable gate arrays" in Class 9 on the basis of Opposer's registrations.

Second, the USPTO Examining Attorney did not refuse to register Applicant's second application for ZYNQ, namely, Application Serial No. 85/344,927 for "Computer hardware, namely, integrated circuits; integrated circuit, namely, field programmable gate array with embedded processor; computer software for design, programming and operation of such integrated circuits" in Class 9 on the basis of Opposer's registrations. Indeed, Applicant's Application Serial No. 85/344,927 matured into Registration No. 4,123,130 on April 3, 2012.

Third, Opposer did not oppose Applicant's second application for ZYNQ, namely, Application Serial No. 85/344,927, filed in connection with "computer hardware, namely, integrated circuits; integrated circuit, namely, field programmable gate array with embedded processor; computer software for design, programming and operation of such integrated circuits," which matured into Registration No. 4,123,130 on April 3, 2012.

Fourth, Applicant's goods are different than Opposer's goods. Applicant's goods are "Integrated circuits, namely field programmable gate arrays; computer software for design, programming, and operation of programmable gate arrays" in Class 9. Opposer's goods are

“printers; computer peripherals; color printers; wireless computer peripherals” in Class 9 and printing paper; printing media, namely, digital printing paper and plastic sheets for printing” in Class 16.

Fifth, Applicant sells its goods in different channels of trade than Opposer.

Finally, customers of Applicant’s goods and Opposer’s goods are highly sophisticated.

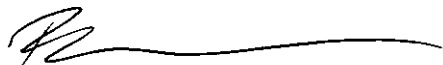
WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice and that Application Serial No. 85/135,048 for ZYNQ in International Class 9 proceed to registration.

Respectfully submitted,

Xilinx, Inc.

Dated: April 6, 2012

By: _____



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CERTIFICATE OF SERVICE

I, Margarita Reyes, hereby certify that on April 6, 2012, I mailed by United States mail, first class postage prepaid, a true and complete copy of this Answer to Notice of Opposition to the following counsel of record:

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